

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

**RUSSELL ROSE, JASON WILSON,
BRIAN T. HULETT, RICHARD O.
GREEN, BRIAN S. LOUIS, MICHAEL I.
BURTON, DONALD MARK PENNY,**

Hon. Victoria A. Roberts

Plaintiffs,

Magistrate Judge Virginia M. Morgan

v.

Case No. 2:04-CV-72742

**THE PEPSI BOTTLING GROUP, INC.,
and NEW BERN TRANSPORT
CORPORATION,**

Defendants

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STIPULATION OF DISMISSAL AS TO DONALD PENNY ONLY

The Parties, by their undersigned counsel, have agreed to resolve amicably any and all claims by Plaintiff DONALD PENNY against Defendants THE PEPSI BOTTLING GROUP, INC., and NEW BERN TRANSPORT CORPORATION (“Defendants”), in this instant action, and hereby stipulate, consent and agree to dismiss the instant action with prejudice to Plaintiff **DONALD PENNY**. No attorneys’ fees or costs will be awarded to any party by the Court. The Court shall retain jurisdiction to enforce any terms of the settlement between the parties.

Approved as to form and content:

/s/ Dan Getman
Dan Getman
Counsel for Plaintiffs

Dated: 04/24/06

/s/ Guy N. Halgren
Guy N. Halgren
Stacey E. James
Counsel for The Pepsi Bottling Group and New Bern Transport Company

Dated: 05/01/06

SO ORDERED:

Dated May 3, 2006

S/Victoria A. Roberts
Hon. Victoria A. Roberts
United States District Judge